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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 TAMEIA L. CITY, *et al*,
10 *Plaintiff*
vs.
11 UNITED STATES,
12 *Defendant*

CASE NO.: 2:20-cv-02193-JCM-EJY
(Consolidated Case)

CASE NO.: 2:21-cv-00006-RFB-VCF

STIPULATION & ORDER
TO REOPEN THE CLOSE OF DISCOVERY
DEADLINE, TO EXTEND THE PARTIES TIME
TO FILE THEIR JOINT PRETRIAL
MEMORANDUM, AND REQUEST FOR
JUDICIAL SETTLEMENT CONFERENCE
(Sixth Request related to the extension of
discovery deadlines)

20 In accordance with Local Rules of Practice for the United States District Court for the District of
21 Nevada ("LR") 26-4, IT IS HEREBY STIPULATED AND AGREED, by and between the above-named
22 parties, through their undersigned counsel, that the close of discovery deadline in this case should be reopened
23 for a period of 90 days due to the ongoing medical treatment of the plaintiffs, and the parties therefore request
24 that the court order that reopening. The parties propose the following revised discovery plan. Pursuant to LR
25 6-1(b), the Parties aver that this is the sixth request related to the extension/reopening of the close of discovery
26 deadline in this matter. The parties further request a commensurate extension of time to file their joint pretrial
27 memorandum and also request a judicial settlement conference with the court in the hope that this case may

1 be resolved prior to trial.

2 **I.**

3 **COMPLETED DISCOVERY TO DATE**

4 1. PLTs (PORTILLO, et. al) served Initial Disclosures to DEF.

5 2. PLTs (PORTILLO, et. al) served 1st SUPP Disclosures to DEF.

6 3. PLTs (PORTILLO, et. al) served 2nd SUPP Disclosures to DEF.

7 4. PLTs (PORTILLO, et. al) served 1st Written Discovery Requests to DEF.

8 5. PLTs' (PORTILLO, et. al) Depositions.

9 6. PLT (CITY) served Initial Disclosures to DEF.

10 7. PLT (CITY) Deposition on 4/5/22.

11 8. PLT (CITY) served 1st Written Discovery Requests to DEF.

12 9. DEF served Initial Disclosures to PLTs.

13 10. DEF served 1st SUPP Disclosures to PLTs.

14 11. DEF served 2nd SUPP Disclosures to PLTs.

15 12. DEF driver's Deposition.

16 13. DEF served 1st Written Discovery Requests to PLTs.

17 14. PLT (CITY) served First Supplemental Disclosures to DEF.

18 15. PLT (CITY) served Second Supplemental Disclosures to DEF.

19 16. PLT (CITY) served Third Supplemental Disclosures to DEF.

20 17. PLTs (PORTILLO, et. al) served Third Supplemental Disclosures to DEF.

21 18. PLTs (PORTILLO, et. al) served Fourth Supplemental Disclosures to DEF.

22 19. The parties have made initial expert disclosures.

23 20. The parties have made rebuttal expert disclosures.

24 21. PLTs (PORTILLO, et. al) served Fifth Supplemental Disclosures to DEF.

25 22. PLTs (PORTILLO, et. al) served Sixth Supplemental Disclosures to DEF.

- 1 23. PLT (CITY) served Fourth Supplemental Disclosures to DEF.
- 2 24. All parties have provided Rule 26 disclosures, answered written discovery (including interrogatories,
- 3 document productions, and requests for admission), subpoenaed multiple third parties, and otherwise
- 4 diligently moved forward in this matter.

5 **II.**

6 **REMAINING DISCOVERY**

7 Discovery to be completed includes:

- 8 1. Supplementation of medical records and expert medical opinion related to Plaintiffs' continuing medical
- 9 treatment.
- 10 2. The Defendant's Depositions of Plaintiffs' treating medical providers as needed.
- 11 3. The Defendant's independent obtaining of records related to Plaintiffs' ongoing medical treatment as
- 12 needed.
- 13 4. Depositions of retained expert witnesses as needed.
- 14 5. Additional written and deposition discovery as needed.

15 The Parties aver, pursuant to Local Rule 6-1, that good cause and excusable neglect exist for the requested
16 extension.

17 **III.**

18 **RATIONALE FOR REOPENING THE CLOSE OF DISCOVERY DEADLINE**

19 As detailed in the parties' last stipulation and order to extend the close of discovery deadline, the
20 Plaintiffs Eva Portillo, Emely Portillo, and Tameia City all continue to receive medical care, specifically
21 spinal therapeutic and diagnostic pain management care that will likely alter past and future special and
22 general damages claimed in this case. The parties agree that supplementation of the continuing care medical
23 and billing records along with supplementation of expert opinions and reporting should occur within
24 discovery to ensure that the parties have the time to fairly address with discovery the plaintiff's further medical
25 treatment. The parties therefore request a reopening of the June 20, 2023 close of discovery deadline so that
26
27
28

1 this discovery related to the Plaintiffs' continuing medical care can be fairly addressed by the parties. The
 2 parties submit that the above facts of continuing medical treatment present both good cause and excusable
 3 neglect for the requested close of discovery reopening. Consequently, the parties also seek an extension of
 4 the joint pretrial order filing deadline. The parties further request that the court order a judicial settlement
 5 conference in the hope that this matter can be resolved prior to trial.

6 **IV.**7 **PROPOSED SCHEDULE**

9 DEADLINE:	10 CURRENT:	11 PROPOSED (120 days):
<i>Amending pleadings or adding parties</i>	CLOSED	CLOSED
<i>Initial Expert Disclosures</i>	CLOSED	CLOSED
<i>Rebuttal Expert Disclosures</i>	CLOSED	CLOSED
<i>Discovery Ends</i>	06/20/23	11/20/23
<i>Dispositive Motions</i>	07/20/23	12/20/23
<i>Joint Pre-Trial Order</i>	08/18/23	01/22/24

13 **V.**14 **REQUEST FOR SETTLEMENT CONFERENCE**

15 The parties hereby request that the court schedule a settlement conference with the parties at a time
 16 convenient to the court after October 23, 2023.

17 **SO STIPULATED** by the following:

18 DATED Friday, August 18, 2023

19 **THE SCHNITZER LAW FIRM**

20 /s/ Jordan P. Schnitzer

21 **JORDAN P. SCHNITZER, ESQ.**
OLIVIA BIVENS, ESQ.
 9205 W. Russell Road,
 Suite 240
 Las Vegas, NV 89148
 Attorney for Plaintiff, CITY

22 DATED Friday, August 18, 2023

23 **STOVALL & ASSOCIATES**

24 /s/ Ross Moynihan

25 **LESLIE M. STOVALL, ESQ.**
ROSS MOYNIHAN, ESQ.
 2301 Palomino Lane,
 Las Vegas, NV 89107
 Attorney for Plaintiffs, **PORTILLO & DE PORTILLO**

1 DATED Friday, August 18, 2023
2

3 **UNITED STATES ATTORNEY'S OFFICE**
4

5 /s/ Stephen Hanson
6

7 **STEPHEN HANSON, ESQ.**
8 501 Las Vegas Blvd. So., # 1100
9 Las Vegas, NV 89101
10 Attorney for Defendant, UNITED STATES

11 **VI.**
12

13 **ORDER**
14

15 **IT IS HEREBY ORDERED** pursuant to the Stipulation of the parties hereto.
16

17 **IT IS FURTHER ORDERED** that the Court will issue a separate order setting the settlement
18 conference.
19

20 DATED this 21st day of August, 2023.
21

22 By: Eayna J. Zouchah
23 UNITED STATES MAGISTRATE JUDGE
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